

ADOPTION AND CHILDREN (SCOTLAND) ACT 2007

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Chapter 4

Adoption Support Plans

Section 45 - Adoption support plans

167. This section applies when a local authority has carried out an assessment of needs for a person who is a member of a “relevant family” under section 9, and has decided that the provision of adoption support services is called for.
168. Subsection (2) places a duty on a local authority to prepare an adoption support plan for each member of the relevant family.
169. Subsection (3) outlines the information that must be included in an adoption support plan. Each plan must specify the needs of the individual to whom it relates; set out how those needs may be met by the provision of adoption support services; record details of any previous assessment of needs for that person made under section 9(1)(a); record the details of any assessment of needs made under section 12A(1) of the Social Work (Scotland) Act 1968 (duty of local authority to assess needs); record details of any care plan prepared under regulations made under section 17 of the 1995 Act (duty of local authority to children looked after by them); record the details of any adoption support services which were being provided before the adoption support plan was made or are to be provided when the adoption support plan is made; and it must specify any other matter which the local authority considers to be relevant to the provision of adoption support services. Where there is no information of the type required in paragraphs (a) to (i) of subsection (3) relating to a person, an adoption support plan must, under paragraph (j), record that fact.
170. Subsection (4) allows the local authority, subject to relevant consent from the relevant family, to prepare a single adoption support plan in respect of all members of the relevant family instead of an individual plan for each member. Subsection (5) applies subsection (3) to a single adoption plan but with adjusted wording as appropriate to reflect that the single plan will relate to all members of the relevant family.
171. By virtue of subsection (6), where the local authority considers that a member of a relevant family who is aged 12 or over is incapable of giving the consent required by subsection (4), the authority is not required to obtain that person’s consent to the preparation of a single plan.
172. Subsection (7) defines ‘relevant family’ for the purposes of this section. This includes children who have been placed for adoption, persons with whom a child has been placed for adoption, children who have been adopted and persons who have adopted a child. The definition also includes the children of people who have adopted a child or who

*These notes relate to the Adoption and Children (Scotland) Act
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have had a child placed for adoption with them, and any other person in the same household whom the persons have treated as one of their children.